

## **SEXUAL HARASSMENT**

1. **PURPOSE:** To set forth medical center policy on sexual harassment.
2. **POLICY:** It is the policy of the Department of Veterans Affairs and this medical center that sexual harassment is unacceptable conduct in the workplace and will not be tolerated or condoned. Sexual harassment is a prohibited personnel practice when it results in discrimination for or against an employee on the basis of conduct not related to job performance.
3. **PROCEDURES:**
  - a. **Definition.** Sexual harassment is a form of employee mis-conduct, which seriously undermines the integrity of the employment relationship. Specifically, sexual harassment is unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
    - (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
    - (2) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual;
    - (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment; or
    - (4) In third-party situations, an individual is offended by the sexual interaction, conduct, or communications between others.
  - b. Furthermore, jokes, remarks, teasing, or questions that contain sexual overtones can also be a form of sexual harassment and are not acceptable in a professional work environment and will not be condoned.
  - c. **Complaints.** Employees shall process complaints of sexual harassment by discussing the matter with their supervisors or a supervisor above them in the line of authority. If the complaint is not satisfactorily resolved by their supervisors the employee may:
    - (1) File an EEO complaint based on sexual harassment.
    - (2) File a complaint under the negotiated contract grievance procedures or under the Department of Veterans Affairs administrative grievance procedures based on sexual harassment.

(3) File a complaint with the Special Counsel of the Merit Systems Protection Board if an adverse action is involved.

(4) File a complaint with the Special Counsel of the Merit Systems Protection Board if a prohibited personnel practice is involved or if there is a violation of the merit system principles. Human Resources will provide full information and assistance to any employee wanting to file a complaint or report an incident of sexual harassment.

#### 4. **RESPONSIBILITIES:**

a. All **supervisors** will refrain from the use of implicit or explicit coercive sexual behavior to control, influence, or affect the career, salary, or job of an employee. Supervisors will expeditiously investigate and take corrective action whenever a complaint of sexual harassment is brought to their attention. Complaints of harassment will be examined impartially and resolved promptly.

b. All **employees** will refrain from participating in deliberate or repeated unsolicited verbal comments, gestures, or physical contact of a sexual nature. Employees are also responsible for discouraging any unwelcomed activities and for promptly reporting any incident of misconduct.

c. **Human Resources Manager**, will provide advice to supervisors and employees concerning any complaint of sexual harassment and assist in efforts to resolve and prevent incidents of sexual harassment.

#### 5. **REFERENCES:**

MP-7, pt. I, ch. 3

VHA Directive 10-95-055, dated June 2, 1995